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OMB APPROVAL

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UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

FORM 19b-4(e)

FORM 19b-4(e)

FORM 19b-4(e) (h) Derivative Securities Product Pursuant to Rule 19b-4(e) Under the Securities Exchange Act of 1934

READ ALL INSTRUCTIONS PRIOR TO COMPLETING FORM

Part I

Initial Listing Report

- 1. Name of Self-Regulatory Organization Listing New Derivative Securities Product: The NASDAQ Stock Market LLC (traded pursuant to unlisted trading privileges)
- 2. Type of Issuer of New Derivative Securities Product (e.g., clearinghouse, broker-dealer, corporation, etc.): Corporation
- 3. Class of New Derivative Securities Product: **Index Linked Note**

EEB 3 1 5001

- 4. Name of Underlying Instrument: **Amex Pharmaceutical Index**
- 5. If Underlying Instrument is an Index, State Whether it is Broad-Based or Narrow-Based: Narrow-based



6. Ticker Symbol(s) of New Derivative Securities Product:

- 7. Market or Markets Upon Which Securities Comprising Underlying Instrument Trades: Listed on: NASDAQ, NYSE
- 8. Settlement Methodology of New Derivative Securities Product:

Regular way trades settle on T + 3 (cash settled)

PROCESSE

9. Position Limits of New Derivative Securities Product (if applicable): N/A

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Part II

Execution

FINANCIAL

The undersigned represents that the governing body of the above-referenced Self-Regulatory Organization has duly approved, or has duly delegated its approval to the undersigned for, the listing and trading of the above-referenced new derivative securities product according to its relevant trading rules, procedures, surveillance programs and listing standards.

Name of Official Responsible for Form:

Gary N. Sundick

Title:

Vice President, Listing Qualifications

Telephone Number:

301 978-5214

Manual Signature of Official Responsible for Form:

Securities Exchange Act of 1934

Section

19b-4

Rule

19b-4(e)

Public Nagharasan

Date:

Availability:

FEB 2 1 2009